

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

JUSTIN EDMISTEN,

Petitioner,

v.

WILLIAM L. GITTERE, et al.,

Respondents.

Case No. 3:21-cv-00517-LRH-CSD

ORDER

On February 2, 2022, this court dismissed Justin Edmisten's *pro se* 28 U.S.C. § 2254 petition for writ of habeas corpus without prejudice for failure to properly commence the action (ECF No. 4). Judgment was entered, and the case was closed (ECF No. 6). Edmisten was advised that if he wished to pursue federal habeas relief, he had to file a new petition, in a new case, with a properly completed application to proceed *in forma pauperis* or the \$5.00 filing fee (ECF No. 4).

Edmisten complied and dispatched a new petition on or about February 3, 2022. However, that new petition was inadvertently filed in this closed case (see ECF No. 9).

**IT IS ORDERED** that the Clerk of Court **terminate** the application to proceed *in forma pauperis* (ECF No. 9). The Clerk is directed to **open a new habeas** action and file the application to proceed *in forma pauperis* and the attachments in that new case.

DATED: 2 March 2022.

  
LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE